

REMARKS

STATUS OF THE CLAIMS

In accordance with the foregoing, claims 1, 6, 12 and 17 have been amended. New claim 23 has been added. Claims 1-23 are pending and under consideration.

No new matter is being presented, and approval of the amended claims is respectfully requested.

REJECTIONS UNDER 35 U.S.C. §112

On page 2 of the Action, claims 1-22 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner states that the phrase "including addresses of non-purchasers", as added to the independent claims, is not described in the specification so as to reasonably convey to one skilled in the art that the inventors had possession of the claimed invention and, therefore, constitutes new matter.

However, Fig. 3 of the present invention clearly shows that one user account (e.g., "mul") can save one or a plurality of addresses, including addresses of someone who is not the purchaser. For example, Fig. 3 shows addresses of a friend and parents, which are non-purchasers whose address data is stored. (See also page 17, line 23, to page 18, line 15, of the present specification).

Further, the Examiner states, "applicant also has failed to make a statement that the amendments to the claim(s) contain no new matter". However, the first paragraph of page 7 of the Amendment filed July 17, 2006 clearly states, "No new matter is being presented."

Therefore, it is respectfully submitted that the rejections under 35 U.S.C. §112 should be withdrawn.

REJECTIONS UNDER 35 U.S.C. §103(a)

On pages 3-8 of the Action, claims 1-9, 11-17, 20, 21 and 23 are rejected under 35 U.S.C. §103(a) as being unpatentable over previously-cited Estes et al. (2003/0208411) in view of newly-cited Langhammer (U.S. 2002/0099622).

The Examiner notes that Estes et al. fails to disclose acquiring address data from a purchaser wishing to purchase and have merchandise delivered, said acquiring capable of storing a plurality of delivery addresses, including addresses of non-purchasers and, thus, Langhammer is cited as disclosing this feature.

Applicants note that Langhammer has a filing date of March 14, 2002 and a publication

date of July 25, 2002. Meanwhile, the present application was filed on January 28, 2002. Applicants also note that the international publication date for the parent application of Langhammer (PCT/US99/21575) is March 29, 2001. MPEP §2133 states, "Publications, patents, public uses and sales must occur 'more than one year prior to the date of application for patent in the United States' in order to bar a patent under 35 U.S.C. 102(b)." A reference must be applicable prior art under 35 U.S.C. §102 before being cited to reject a claim under 35 U.S.C. §103(a). Langhammer is not applicable prior art under 35 U.S.C. §102, since its earliest publication date is less than one year before the filing date of the present application, and thus the rejections under 35 U.S.C. §103(a) based thereon should be withdrawn.

Nevertheless, Applicants further note that the cited portion of Langhammer merely discloses that a given consumer may have multiple shipping addresses defined within the system. However, Langhammer does not explicitly disclose storing a plurality of delivery addresses, including addresses of *non-purchasers*, as recited in the independent claims.

Therefore, as an advantage of embodiments of the present invention, more than one address can be stored under one user account with a corresponding address ID. Thus, embodiments of the present invention are capable of permitting item(s) to be delivered to a plurality of address locations -- for example, the user's location or the user's parent's location. (See, for example, Fig. 3 of the present application).

Further, the Examiner states that the address data being sent from a non-purchaser is deemed to be nonfunctional descriptive material and not functionally involved in the claims. Thus, independent claims 1, 6, 12 and 17 are amended herein to affirmatively recite acquiring address data from a purchaser wishing to purchase and have merchandise delivered, said acquiring storing a plurality of delivery addresses, including addresses of one or a plurality of non-purchasers. As a result, the amended independent claims explicitly recite the functionality of this feature.

Therefore, it is respectfully submitted that independent claims 1, 6, 12 and 17, as amended, patentably distinguish over the cited references. Accordingly, the pending dependent claims inherit the patentability of their respective base claim and, thus, it is further submitted that the dependent claims also patentably distinguish over the prior art.

On pages 8-9 of the Action claims 7, 10, 18 and 22 are rejected under 35 U.S.C. §103(a) as being unpatentable over Estes and Langhammer and further in view of previously-cited Kirner (U.S. 2002/0046040) or previously-cited Iannacci (U.S. 2002/0062249).

As stated above, Langhammer is not applicable prior art and, thus, the rejections of claims 7, 10, 18 and 22 suffer the same deficiencies as those described above. Further, Kirner

and Iannacci fail to cure the deficiencies of Estes, as acknowledged by the Examiner.

Moreover, dependent claims 7, 10, 18 and 22 inherit the patentability of their respective base claim and, thus, patentably distinguish over the prior art for the reasons provided above.

NEW INDEPENDENT CLAIM 23

New independent claim 23 recites an address data management method which includes storing a plurality of delivery addresses as address data from a purchaser, including addresses of one or a plurality of non-purchasers. Therefore, it is respectfully submitted that new independent claim 23 patentably distinguishes over the prior art for at least the reasons provided above the other pending independent claims.

CONCLUSION

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. Further, all pending claims patentably distinguish over the cited art. There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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